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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re L.G., a Person Coming Under the
Juvenile Court Law.

B209971
(Los Angeles County
Super. Ct. No. CK59738)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

JOSE G. et al.,

Objectors and Appellants.

APPEAL from an order of the Superior Court of Los Angeles County, Marilyn K. Martinez, Referee. Affirmed.

Judy Weissberg-Ortiz, under appointment by the Court of Appeal, for Jose. G.

Anna L. Ollinger, under appointment by the Court of Appeal, for Magdalena M.

Raymond G. Fortner, Jr., County Counsel, James M. Owens, Assistant County Counsel, Frank J. DaVanzo, Deputy County Counsel, for Plaintiff and Respondent.

Magdalena M. and Jose G., the parents of L.G. and I.G., appeal from the juvenile court's August 7, 2008 order terminating their parental rights pursuant to Welfare and Institutions Code section 366.26.¹ Magdalena and Jose contend the court erred in failing to apply the parent-child relation exception to termination of parental rights contained in section 366.26, subdivision (c)(1)(B)(i) (former subdivision (c)(1)(A)).² We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

1. The Initiation of Dependency Proceedings

The Los Angeles County Department of Children and Family Services (Department) initiated dependency proceedings under section 300, subdivision (b) (failure to protect), on behalf of then nine-year-old L.G. and her four-year-old brother, I.G., in June 2005 after police were called to the home of the maternal grandmother, where Magdalena and Jose lived with the children, because Jose, who was reportedly under the influence of cocaine and alcohol, was observed pulling Magdalena's hair and verbally abusing her. It was also reported Magdalena had been verbally abusive to L.G. and L.G. had been traumatized by other incidents of domestic violence occurring in her presence. The Department's petition alleged, in part, Magdalena and Jose, who had been married for approximately 10 years, had a four-year history of domestic violence during which Jose had violently assaulted Magdalena in the presence of the children. The petition also alleged Jose had a history of substance abuse. At the detention hearing on

¹ Statutory references are to the Welfare and Institutions Code.

² Effective January 1, 2008 the six statutory exceptions to termination of parental rights formerly located in section 366.26, subdivision (c)(1)(A) through (F), were renumbered, without substantive change, and are now found in section 366.26, subdivision (c)(1)(B)(i) through (vi). Current section 366.26, subdivision (c)(1)(B)(i), which is substantially the same as former section 366.26, subdivision (c)(1)(A), provides the juvenile court may decline to terminate parental rights if it "finds a compelling reason for determining that termination would be detrimental to the child" because "[t]he parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship." For convenience, this exception to termination of parental rights is referred to as the parent-child relationship exception or the (c)(1)(B)(i) exception.

June 24, 2005 the juvenile court detained L.G. and I.G. with their maternal grandmother and step-grandfather and ordered Magdalena not to reside in the home without prior Department approval. The court also ordered family reunification services and monitored visits with Jose's visits to occur at the Department's offices.

The Department's initial report for the jurisdiction and disposition hearings stated Magdalena had given birth to L.G. when she was 16 years old and they had primarily lived with the maternal grandmother. Jose, who was a recent high school graduate when L.G. was born, did not move into the maternal grandmother's home until about five years later when Magdalena and Jose got married and Magdalena became pregnant with I.G. According to the maternal grandmother, problems began between Magdalena and Jose a few months after he moved in, starting with verbal aggression and eventually escalating to pushing, hair pulling and punching in front of anyone who was around when Jose became enraged. Both Magdalena and Jose admitted pushing each other and acknowledged that Jose had pulled Magdalena's hair, but Jose denied hitting her. The report also stated Jose had been arrested for possession of methamphetamine in 2001 and had completed a drug diversion program.

In July 2005 the court sustained the dependency petition, declared L.G. and I.G. dependent children of the court under section 300, subdivision (b), placed the children with their maternal grandmother and ordered family reunification services. Specifically, Magdalena and Jose were each ordered to participate in domestic violence counseling, parent education and conjoint counseling when appropriate. Jose was further ordered to submit to eight random drug tests and complete an alcohol program. Magdalena was permitted unmonitored visitation in the home as long as the maternal grandmother was present, and Jose was allowed monitored visitation.

2. The Review Hearings and Reunification Efforts

By the six-month review hearing on January 25, 2006 (§ 366.21, subd. (e)), Magdalena had completed the parenting class; but Magdalena and Jose had not begun conjoint counseling. Although both parents had taken domestic violence classes, the Department learned the provider, who was also providing Jose with drug counseling and testing, was neither trained nor certified and thus was not qualified (notwithstanding the Department had recommended him). With respect to visitation, the Department report prepared in connection with the review hearing stated, although the children ran to hug Jose with excitement and the visits were “going well,” Jose’s attendance had been inconsistent. Magdalena also failed to visit the children regularly. When she did, she did not stay long or interact much with the children. The report also stated L.G. and I.G. appeared happy living with the maternal grandmother, with whom they had lived their entire lives. In addition, the maternal grandmother was meeting all their needs. At the hearing the court found both parents in partial compliance with their case plans and ordered six additional months of reunification services and unmonitored daytime visits in a public setting, except that Jose and Magdalena could not visit together.

At the 12-month review hearing on July 26, 2006 (§ 361.22, subd. (f)), the court found Magdalena in compliance with the case plan and Jose, who had not completed the parenting class and had failed to appear for two drug tests, in partial compliance. The court ordered additional reunification services, unmonitored daytime visits with both children for Jose and unmonitored visits, including overnight visits, for Magdalena. Although Jose and Magdalena were permitted to visit with the children together, Jose, who reportedly was not visiting the children frequently because he did not have time, was not to be present during any overnight visits nor could his visits occur in the family home. The court continued the matter to October 23, 2006 for a progress report, stating, “The evidence does support that even though [the parents] are making progress, there are still relationship issues. And after all, that’s what brought these children before this court. The relationship issues were out of control. This is not the typical family or the married couple that has disagreements.”

The Department's October 23, 2006 interim review report stated Magdalena and Jose continued to have marital problems. Additionally, L.G. described—as confirmed by the maternal grandmother—a family barbeque at which Jose had been drinking. I.G. reported he had slept in the same bed with Magdalena and Jose in violation of the court's orders. Jose told a Department social worker he did not think the children should be returned at that time because he and Magdalena had been arguing, his wages were being garnished, he could not take the time to drug test because of pressure from his employer and he had put the home he and Magdalena had recently purchased up for sale because he could not make the monthly payments. The court modified Jose's visits to monitored and ordered him not to consume alcoholic beverages within eight hours before or during his visits.

For the permanency review hearing on January 24, 2007 (§ 366.22), the Department reported Magdalena and Jose continued to argue and curse in front of the children and Jose had remained in their home during weekend visits, which Magdalena had coached the children to lie about it. It was also reported Magdalena emotionally abused the children by asking them where they wanted to live and threatening never to see them again or not to buy them Christmas gifts if they said they wanted to stay with the maternal grandmother. According to L.G., Magdalena was sometimes mean to her, for example, telling her not to eat because she would get fatter, and made her cry. Although the Department recommended termination of family reunification services and the setting of a section 366.26 selection and implementation hearing, the juvenile court continued the matter to March 7, 2007 for a contested hearing in part because of a favorable letter from the parent's therapist stating they were making "significant progress."

3. Return of the Children to Magdalena; the Second Detention

In February 2007 Magdalena reported to the Department she and Jose were getting a divorce and the two of them had a physical altercation in front of the children while he was moving out. Magdalena stated she wanted to focus on getting her children back, and the children said they wanted to live with Magdalena and visit the maternal grandmother

on weekends. At the contested section 366.22 permanency review hearing on March 7, 2007, the court returned the children to Magdalena with a home-of-parent-mother order and ordered family maintenance services. The court terminated family reunification services for Jose, but he was permitted to have monitored visits in a public setting, except that Magdalena could not serve as the monitor.

In connection with the further review hearing on July 19, 2007 (§ 364), the Department reported Magdalena had permitted the children to remain living with the maternal grandmother so they could finish the year in their same schools. The children expressed mixed feelings about living with Magdalena, who they visited on weekends, because she rented rooms in her house to single women with children and the children slept in L.G.'s and I.G.'s beds and wore their clothes. The Department also reported Magdalena yelled at L.G., who was afraid Magdalena was going to hit her when she got upset; Magdalena had pinched both children when she got angry with them during a two week trip to Mexico; both children were upset that Magdalena continued to bring her new boyfriend to visits notwithstanding Magdalena had been informed their excessively affectionate behavior made the children uncomfortable and Magdalena had promised she would not bring him; and Magdalena told L.G. to falsely tell Jose that Magdalena had been in a car accident and her boyfriend had brought her flowers. According to L.G., "now that [my mother] has us, she acts like she does not want us."

During this period Jose, who did not return the Department's telephone calls or provide it with his new address, had inconsistent visits with the children but spoke to them on the telephone. At the July 19, 2007 hearing the court continued the prior orders and set a further review hearing for January 17, 2008.

The Department report prepared for the January 17, 2008 review hearing stated Jose had been arrested in Florida on May 10, 2007 for one count of assault and one count of battery. He was convicted on June 21, 2007 and sentenced to one year of probation. By January 17, 2008 he was being detained in Florida for deportation. During September 2007, however, Jose had visited with the children, but he had instructed them not to say

anything to the Department about the visits. After Jose was detained for deportation, the children maintained regular telephone and written communication with him.

The Department's January 17, 2008 report also stated that in August 2007 L.G. and I.G. had been living with Magdalena in her home but they all moved back in with maternal grandmother in September 2007. L.G. and Magdalena had not started the court-ordered conjoint counseling because Magdalena could not afford it, and L.G. told the Department social worker in November 2007 she did not want the case closed because she liked the Department's protection. By the time of the hearing, however, Magdalena and L.G. had begun conjoint counseling; and the court continued the matter to April 23, 2008.

During a routine home visit on March 19, 2008 the maternal grandmother informed the Department social worker Magdalena was physically abusive to the children and permitted them to have unmonitored contact with Jose, including taking them to Florida when she went to help Jose avoid deportation. The maternal grandmother also reported L.G. feared Magdalena, who blamed L.G. for the dependency case remaining open, and was afraid to talk to the social workers because Magdalena would get angry when L.G. said things about her. On April 14, 2008 I.G. told a social worker Magdalena had been hitting him with a belt when he misbehaved; L.G. reported, "right now, she doesn't hit me that often. She only hits me for a reason, like when I misbehave. She hits [I.G.] more, but he misbehaves and talks back to her." On April 17, 2008 the social worker met with Magdalena, who admitted striking I.G. with a belt, but explained, "not hard, not to the point where I mark him. I know the difference between spanking and abuse." (During an examination of I.G. on April 14, 2008, the social worker found a quarter-size bruise on his right thigh, but I.G. said he did not remember how or when he had been injured.)

When the social worker told Magdalena the children were going to be detained, Magdalena stated she would not leave the maternal grandmother's home and would rather the children be placed in foster care. After the grandmother said she would ensure Magdalena moved out, Magdalena told her, "I hope you don't end up in the hospital."

At the detention hearing on April 23, 2008, after the Department filed a section 342 petition, the children were detained with the maternal grandmother. The court ordered visitation with Magdalena several times a week in a public place monitored by the grandmother and similar visitation with Jose, but at different times. On May 15, 2008 the court sustained the section 342 petition and set the matter for a section 366.26 selection and implementation hearing. Magdalena was not provided family reunification services because the 18-month statutory limit for provision of services had expired.

4. The Section 366.26 Selection and Implementation Hearing

In its report for the August 7, 2008 section 366.26 hearing the Department described L.G. and I.G.'s reaction to the possibility of adoption by their maternal grandmother and step-grandfather. I.G. stated, although he would be sad because his maternal grandparents were not his "mom," he did not want to live with Magdalena and Jose, but wanted to visit them. L.G. said, "Nothing is going to change because I've lived with them all my life," but did express a desire to visit with Jose more often. The report noted that in July 2008 both children were appropriately bonded with their maternal grandparents, whom they referred to as "mom and dad," and wanted to be adopted by them if they could not be returned to their parents' care.

The hearing proceeded without testimony and by way of argument. Counsel for I.G. and L.G. advised the court the children wished to have unmonitored visits with Magdalena and Jose, and Magdalena argued that was strong evidence of a bond supporting the parent-child relationship exception. Jose contended the parent-child relationship exception should be applied to him because he had been visiting the children almost every day and there was evidence of a very strong bond between them. The court found by clear and convincing evidence it was likely L.G. and I.G. would be adopted and further found the parent-child exception did not apply: "[Jose's] argument that he has a strong bond with the children is irrelevant. It's the issue whether or not the children have a relationship with a parent such that it would be detrimental to terminate the parental rights. Visitation in and of itself is insufficient to persuade the court that such a relationship exists. [Jose] is a father who has had fairly regular visits and who apparently

recently began attending the children's activities. He is an observer of these activities. There is no evidence that he occupies a parental role in the children's lives. And mother has also maintained rather regular visitation. The same applies. Visitation in and of itself is insufficient to persuade the court that it would be detrimental to terminate parental rights. The fact that the children have asked for unmonitored visits with their mother is actually a little surprising to the court given the statements that they made, particularly [L.G.] to the social worker before and that they were made, which appears to be somewhat in confidence although they are clearly in the report. [L.G.] is 12. She knows who her mother is and she knows who has been taking care of her all of these years. The fact that she may want to spend time with her mother. To continue her visitations with her mother is still insufficient [to] persuade the court that it would be detrimental to terminate parental rights."

The court terminated Magdalena and Jose's parental rights, although it permitted them continued monitored visitation, and transferred L.G. and I.G.'s care, custody and control to the Department to complete adoption by the maternal grandmother. Thereafter, Magdalena and Jose filed timely notices of appeal.

DISCUSSION

1. The Parent-child Exception to Termination of Parental Rights

Section 366.26 directs the juvenile court in selecting and implementing a permanent placement plan for a dependent child. The express purpose of a section 366.26 hearing is "to provide stable, permanent homes" for dependent children. (§ 366.26, subd. (b).) If the court has decided to end parent-child reunification services, the legislative preference is for adoption. (§ 366.26, subd. (b)(1); *In re Celine R.* (2003) 31 Cal.4th 45, 53 ["if the child is adoptable . . . adoption is the norm. Indeed, the court must order adoption and its necessary consequence, termination of parental rights, unless one of the specified circumstances provides a compelling reason for finding that termination of parental rights would be detrimental to the child"]; see *In re Marilyn H.* (1993) 5 Cal.4th 295, 307 [once reunification efforts have been found unsuccessful, the state has a "compelling" interest in "providing stable, permanent homes for children who

have been removed from parental custody” and the court then must “concentrate its efforts . . . on the child’s placement and well-being, rather than on a parent’s challenge to a custody order”].) When the court finds by clear and convincing evidence the child is likely to be adopted, the statute mandates judicial termination of parental rights unless the parent opposing termination can demonstrate one of six enumerated exceptions applies. (§ 366.26, subd. (c)(1)(B); see *In re Matthew C.* (1993) 6 Cal.4th 386, 392 [when child adoptable and declining to apply one of the statutory exceptions would not cause detriment to the child, the decision to terminate parental rights is relatively automatic].)

To satisfy the (c)(1)(B)(i) exception to termination, a parent must prove he or she has “maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.” (§ 366.26, subd. (c)(1)(B)(i); see *In re Derek W.* (1999) 73 Cal.App.4th 823, 826 [“parent has the burden to show that the statutory exception applies”].) The “benefit” prong of the exception requires the parent to prove his or her relationship with the child “promotes the well-being of the child to such a degree as to outweigh the well-being the child would gain in a permanent home with new, adoptive parents.” (*In re Autumn H.* (1994) 27 Cal.App.4th 567, 575 [“the court balances the strength and quality of the natural parent/child relationship in a tenuous placement against the security and the sense of belonging a new family would confer”].) No matter how loving and frequent the contact, and notwithstanding the existence of an “emotional bond” with the child, “the parents must show that they occupy ‘a parental role’ in the child’s life.” (*In re Andrea R.* (1999) 75 Cal.App.4th 1093, 1108; *In re Beatrice M.* (1994) 29 Cal.App.4th 1411, 1418.) The relationship that gives rise to this exception to the statutory preference for adoption “characteristically aris[es] from day-to-day interaction, companionship and shared experiences. Day-to-day contact is not necessarily required, although it is typical in a parent-child relationship.” (*In re Casey D.* (1999) 70 Cal.App.4th 38, 51.) Moreover, “[b]ecause a section 366.26 hearing occurs only after the court has repeatedly found the parent unable to meet the child’s needs, it is only in an extraordinary case that preservation of the parent’s rights will prevail over the

Legislature's preference for adoptive placement." (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1350.)

We review for substantial evidence the juvenile court's findings the parent-child relationship exception is inapplicable. (*In re Clifton B.* (2000) 81 Cal.App.4th 415, 424-425.)

2. *Substantial Evidence Supports the Court's Finding Magdalena Did Not Establish the Parent-child Exception to Termination of Her Parental Rights*

Magdalena contends the juvenile court erred in failing to find the parent-child exception to termination of her parental rights because she maintained regular visitation with the children and had put the children's interests above her own by, for example, letting them stay with the maternal grandmother so they could finish out the school year without interruption and by agreeing to exclude her new boyfriend from visits because it made the children uncomfortable. While there may have been substantial evidence Magdalena maintained frequent visitation with the children and thus had satisfied the first prong of the exception, she misstates and failed to prove the second, "benefit" prong. The issue is not whether Magdalena demonstrated on a few occasions she put the children's interests above her own (indeed, L.G.'s statements to the Department contradicted Magdalena's claim she had stopped bringing her boyfriend to visits), but whether she proved she occupies a parental role and her relationship with the children promotes their well-being to such a degree as to outweigh the substantial benefit to be derived from the stability of a finalized adoption with the maternal grandparents, who had essentially raised the children their entire lives.

The juvenile court's finding Magdalena had not met her burden of proving the benefit prong is supported by substantial evidence. The record demonstrates Magdalena's inability to parent her children was not simply an artifact of the conflict with Jose that would be ameliorated by their decision to divorce. After Magdalena separated from Jose and the court returned the children with a home-of-parent-mother order, Magdalena failed to demonstrate proper parenting skills by, among other things, pinching the children when she was upset with them, coaching them to lie, threatening

them with negative consequences if they said they wanted to live with the maternal grandmother, permitting them to visit Jose in violation of the court's visitation orders, subjecting them to inappropriate contact between her and her new boyfriend and ultimately hitting them with a belt. L.G. expressed on several occasions she did not want the case terminated because she was afraid of Magdalena and afraid to tell the social workers how she really felt because of concern over Magdalena's reaction. Even if the children expressed some sincere desire to have unmonitored visitation with Magdalena at the time of the selection and implementation hearing—suspect at best given L.G.'s repeated concern that speaking badly of her mother would result in negative repercussions—the court was fully justified in its conclusion such a desire for visitation did not evince the kind of bond or parental role between Magdalena and her children required for application of the parent-child exception.

3. Substantial Evidence Supports the Court's Finding Jose Did Not Establish the Parent-child Exception to Termination of His Parental Rights

Jose contends the trial court erred in failing to find the parent-child exception to termination of his parental rights because he maintained regular visits with the children, they were always excited to see him, the visits went well and the children expressed they loved and missed Jose and wanted to spend more time with him. To be sure, the children do appear to have had a significantly more positive relationship with Jose than with Magdalena; nevertheless, Jose failed to comply with even the most basic components of his case plan and many of his visits were unmonitored or took place in the home in repeated violation of the court's orders. Even if Jose was able to develop a loving relationship with the children, these unauthorized visits appear to have primarily involved activities that would be more enjoyable for the children than the daily rigors of parenting. Simply put, Jose did not prove he occupied a parental role in the children's lives—the kind of role the maternal grandmother and step-grandfather had developed by caring for the children and providing for them since their birth. (See *In re Andrea R.*, *supra*, 75 Cal.App.4th at p. 1108; *In re Beatrice M.*, *supra*, 29 Cal.App.4th at p. 1418.) Thus, the juvenile court did not err in finding this was not the extraordinary case in which

preservation of a parent's rights should prevail over the Legislature's preference for adoptive placement.

4. *Even If Not Forfeited, Magdalena's Argument the Children's Wishes Were Not Adequately Considered Is Without Merit*

Section 366.26, subdivision (h)(1), provides, "At all proceedings under this section, the court shall consider the wishes of the child and act in the best interests of the child." This section requires the court to "'consider the child's wishes to the extent ascertainable' prior to entering an order terminating parental rights under section 366.26, subdivision (c)." (*In re Leo M.* (1993) 19 Cal.App.4th 1583, 1591.) Additionally, section 366.26, subdivision (c)(1)(B)(ii), provides for an exception to termination of parental rights when a child 12 years of age or older objects to termination. The expression of the children's wishes "'may take the form of direct formal testimony in court; informal direct communication with the court in chambers, on or off the record; reports prepared for the hearing; letters; telephone calls to the court; or electronic recordings.'" (*In re Leo M.*, at p. 1591.)

Magdalena contends I.G.'s statement, contained in the Department's report prepared for the section 366.26 hearing, that he did not want to live with his mother and father but wanted to visit them demonstrated he did not understand, if adopted, he may not ever be permitted to see Magdalena again and thus revealed an internal conflict between his desire to maintain ties to his mother and his desire to live with his maternal grandparents. Similarly, Magdalena argues L.G.'s statement nothing would change after the adoption because she had lived with her grandparents her entire life demonstrated she was indifferent to adoption and did not understand adoption could result in a complete severing of ties with Magdalena.

To the extent there was any confusion or ambiguity about the children's wishes with respect to their proposed adoption by their grandparents, Magdalena should have raised the issue at the section 366.26 hearing, allowing the juvenile court to question the children, who were present at the hearing. Because of her failure to do so, Magdalena has forfeited the issue. (See *In re Amanda D.* (1997) 55 Cal.App.4th 813, 819-820

[“Lawrence raised no issue below that the juvenile court should have obtained the minors’ testimony regarding their wishes for a permanent plan. [Citation.] He is precluded from presenting it here.”]; *In re S.B.* (2004) 32 Cal.4th 1287, 1293 [dependency matters are not exempt from rule requiring party to raise objection before trial court so error may be corrected]; *In re Erik. P.* (2002) 104 Cal.App.4th 395, 403 [parent must raise any relevant exception at the section 366.26 hearing or waive the right to raise the exception on appeal].)

Even were we to find the issue properly preserved, it is without merit. Section 366.26, subdivision (h)(1), directs the juvenile court to consider the child’s wishes regarding adoption to the extent practicable; it does not obligate the court to explain all the possible consequences of adoption and to determine whether, in view of the potential advantages and disadvantages, the child wishes to be adopted: “[I]n honoring [the minors’] human dignity . . . we should not carelessly impose upon them decisions which are heavy burdens even for those given the ultimate responsibility to decide. To ask children with whom they prefer to live or to ascertain what they wish through other evidence is one thing. To ask those children to choose whether they ever see their natural parent again or to give voice to approving that termination is a significantly different prospect. . . . [W]e conclude that in considering the child’s expression of preferences, it is not required that the child specifically understand the proceeding is in the nature of a termination of parental rights.” (*In re Leo M.*, *supra*, 19 Cal.App.4th at p. 1593; accord, *In re Amanda D.*, *supra*, 55 Cal.App.4th at p. 820.) Instead, the juvenile court must strive “to explore the minor’s feelings regarding his/her biological parents, foster parents, and prospective adoptive parents, if any, as well as his/her current living arrangements. . . . [A]n attempt should be made to obtain this information so that the court will have before it some evidence of the minor’s feelings from which it can then infer his/her wishes regarding the issue confronting the court.” (*In re Leo M.*, at p. 1593; accord, *In re Amanda D.*, at p. 820.)

The Department report presented sufficient information for the court to assess L.G.’s and I.G.’s wishes and to act in their best interest. I.G. clearly expressed he did not

want to live with Magdalena or Jose, although it made him sad—a perfectly reasonable emotion under the circumstances. Notwithstanding I.G. expressed a desire to visit his parents, requiring him to re-evaluate his expressed preference for adoption by his maternal grandparents with a penetrating knowledge or understanding adoption might preclude him from ever seeing his parents again is too great a burden for a seven-year old to bear. It was sufficient for the court to understand any conflict or difficulty this might pose and determine what, in light of the history of these parents and their relationship to I.G, was in his best interest.

Similarly, the court had ample information about L.G.’s feelings to determine what was in her best interest. Indeed, the court’s understanding of the difficult position L.G. was in—that is, fearing Magdalena and the repercussions from candidly discussing her feelings about Magdalena with the Department—was reflected in the court’s statement it was surprising the children wanted unmonitored visits with her. The court clearly considered L.G’s purported desire to visit Magdalena before it concluded any such sincere desire was “still insufficient [to] persuade the court that it would be detrimental to terminate parental rights.”

DISPOSITON

The order of the juvenile court is affirmed.

PERLUSS, P. J.

We concur:

WOODS, J.

JACKSON, J.